

REMARKS

Claims 1-3 and 5-13 are pending in this application. Claims 1-3 and 5-12 stand rejected in the Final Office Action dated July 14, 2008 as being unpatenable over Kiumi Hideo (JP-2001-313701, hereinafter "Hideo") in view of Iijima Takahiro (JP-2001-298513, hereinafter "Takahiro"). In response, Applicant has amended claim 1. Claim 13 is newly added and depends from amended independent claim 1. As amended, it is now clear that the claimed portable terminal displays two different and unique selection screens, the first and second selection screens, that are used depending on whether the portable is in the opened state or the closed state. This aspect of the claims is not present in any of the cited prior art. Accordingly, all pending claims, including new claim 13, are patentable over the cited prior art.

In the July 14, Office Action, the Examiner argues that claim 1, before the current amendment, was "broad enough to be met by figures 3 and 4 of Iijima Takahiro." Office Action at 2. In further support of this argument, the Examiner asserted "Kiumi Hideo and Iijima Takahiro clearly disclose a screen (see Iijima Takahiro, fig.4c) on said display unit is able to display a first selection screen which is appropriate for an operation by said auxiliary input unit (see Iijima Takahiro, scrolling key 8, [0022]) when both of said housings are in a closed state . . . a screen on said display unit is able to display a second selection screen which is appropriate for an operation by said main input unit (see Iijima Takahiro, key stroke section 2) when both of said housing are in an opened state" Based on this reading of Takahiro, the Examiner asserted that the prior version of claim 1 was rendered obvious by the combination of Takahiro and Hideo.

Applicant disagrees that the prior version of claim 1 was rendered obvious as asserted by the Examiner. However, to clarify the portable terminal of claim 1, and render the

Examiner's analysis of Takahiro moot, Applicant has amended claim 1 to specify that the second selection screen is "different from said first selection screen. . . ." The amendment to claim 1 is supported by Applicant's specification which provides, in part: "Therefore, it is an aim of the present invention to provide a superimposed type of portable terminal apparatus that has one selection screen for when the two housings are superimposed and another selection screen for when they are open." Applicant's US Published Patent Application No. 2004/0132499 A1 at [0015]. Applicant's specification also provides "FIG. 8 shows a first selection screen 72 when the first housing 32 and the second housing 34 are in a superimposed state (i.e., a closed state) . . . arranged two-dimensionally in vertical and horizontal directions on the second selection screen 74." Id. at [0062]. Thus, claim 1 now makes clear that the portable terminal includes a screen on said display unit that is able to display a second selection screen *which is different from said first selection screen*, and which is appropriate for an operation by said main input unit when both of said housings are in said opened state.

In contrast, Takahiro teaches one selection image that is used in both the opened and closed state. Specifically, Takahiro discloses: "*in a state in which the lid 5 is opened, the mode selection image 10 as shown in FIG. 4(a) is normally displayed on the display 6 provided in the lid 5*" in paragraph [0028]; "*when the lid 5 is closed after the lid 5 is rotated by 180° about the second rotational axis 4b of the hinge 4, the lid 5 can be placed in a closed state while the display 6 is exposed to outside, and the mode selection image 10 is still displayed on the display 6, as shown in FIG. 3(c)*" (see Takahiro paragraph [0034]); and "in the case of a non-audio service operation, e.g., to send an e-mail, an e-mail mode 14 is selected in the mode selection image 10 shown in FIG. 4(a)" (see Takahiro paragraph [0036]). Thus, in Takahiro, *the identical mode selection image 10* is displayed on the display 6 regardless of the opened state or closed state of the portable terminal 1. In other words, Takahiro does not disclose the concept of

switching the (mode) selection image depending on whether a portable terminal is in the opened state or closed state.

Hideo is equally unavailing as it fails to disclose, as the Examiner has acknowledged, that "a screen on said display unit is able to display a first selection screen which is appropriate for an operation by said auxiliary input unit when both of said housings are in a closed state, a screen on said display unit is able to display a second selection screen which is appropriate for an operation by said main input unit when both of said housings are in an opened state, and said control device switches between said first selection screen and said second selection screen in accordance with a state detected by said state detecting device." Office Action at 4.

For the reasons stated, Takahiro and Hideo fail to render pending claim 1 obvious. Accordingly, Applicant respectfully requests that the rejection of independent claim 1 under 35 U.S.C. 103(a) be withdrawn. For the same reasons, the dependent claims that depend on claim 1, claims 2, 3, 5-8 and 13, should also be allowed.

The analysis applied with respect to claim 1 is applicable to independent claim 9 inasmuch as claim 9 also requires a first selection screen that is different from a second selection screen, each screen dependent on whether the portable terminal is in the opened state or closed state. As to the differences between the first and second selection screens, claim 9 states that the first selection screen arranges "items one-dimensionally when both of said housing are in the a closed state" and the second selection screen arranges "items multi-dimensionally when both of said housing are in a opened state." Applicant notes that the Office Action fails to analyze those aspects of claim 9 (the one-dimensional and multi-dimensional arrangements) when applying Takahiro and Hideo. That is, the Examiner never asserts (and cannot assert) that Takahiro or

Hideo disclose a first screen that arranges items one-dimensionally and the second selection screen arranges items multi-dimensionally as claimed.

Accordingly, like claim 1, Takahiro and Hideo fail to render obvious claim 9. For the same reasons, the dependent claims that depend on claim 9, claims 10-12, should also be allowed.

Claim 13 was added as dependent on claim 1 and is allowable for the same reasons that claim 1 is allowable. Support for claim 13 can be found in Applicant's published application, which provides in part: "When the first housing 32 and the second housing 34 are open (i.e., are in an open state), the state detecting device 64 outputs a signal to the control unit 62 indicating that fact. The control unit 62 receives this signal and locks the side key 42 and the 3-directional lever 44 so that even if they are operated the operations thereof are invalid." *Id.* at [0055].

Neither of the cited references teach or suggest this aspect of new claim 13. Specifically, Hideo fails to teach or suggest that the 3D jog dial 26 is locked when the 1st case 21 and the 2nd case 31 are in an opened state. Takahiro also fails to teach or suggest that the scroll key 8 is locked when the telephone set body part 1 and the wrap covering device 5 are in an opened state. Indeed, Takahiro teaches away from claim 13 in [0022] that provides "The scroll key 8 which operates a screen display of the display part 6 is arranged so that *it may always come to an operational position* even when the covering device 5 is opened or closed about the hinge region 4, or even when the covering device 5 is opened after being rotated by 180 degrees around the 2nd axis of rotation 4b." Thus, claim 13 is allowable over Takahiro and Hideo on this separate ground.

For at least the reasons set forth above, Applicant respectfully submits that all pending claims are in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.


The Examiner is urged to telephone Applicant's undersigned counsel if it will advance the prosecution of this application, or with any suggestion to resolve any condition that would impede allowance. In the event that any extension of time is required, Applicant petitions for that extension of time required to make this response timely. Kindly charge any additional fee, or credit any surplus, to Deposit Account No. 50-0675, Order No. 848075-58.

Respectfully submitted,

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